

IN The Middle District Court of Pennsylvania

Lamont Zamichieli,
V. Plaintiff

J. B. Merritts, et al,
Defendants

Civil # 3:20-CV-00180

Filed - executed by: Lamont Zamichieli
Inmate # 6W-2870
SCI-Phoenix
1200 Mokychic Drive
Collegeville, PA 19926

**FILED
SCRANTON**

OCT 30 2023

Signed: [Signature]
Prose Plaintiff Zamichieli

PER AMC
DEPUTY CLERK

Brief in Support of Motion to Compel

① Now this 22nd day of October 2023, I Prose Plaintiff Lamont Zamichieli files this Brief in support of Motion to compel discovery. Concurrently filed same day Incorporated by Reference.

(* Note: copies of this Motion/Brief also mailed via U.S.P.S. first-class mail to Defendants on 10/22/2023. True correct to Best of knowledge Belief and Information 11/14/23.)

② ON July 20, 2023 I Plaintiff Avers that I by U.S.P.S first Class U.S. mail has mailed Defendants - Defendants Attorney Jonathan M. Blake esq at attorney General office Request for Discovery such as camera footages of SCI-Huntingdon DTU of March 21, 2018 Between 4:00-5:00 PM, March 21, 2018 between 7:00-8:00 PM, April 18, 2018 4:00-5:00 PM and August 19, 2018 between 4:00-5:00 PM showing all incidents of Abuse. See exhibit #A attached

③ ON July 20, 2023 I also sent Request for Admissions under civil Federal Rule P. 36 Directed at each Defendant. However Defendant Merritts, Parkes, Spary and Kendrick has not ever ~~responded~~ Responded to this Admissions even after I granted them an additional 30 days, they still had not Responded at

④ This Court shall enter AN ORDER that all is deemed admitted as true by Defendant Parkes, Merritts, Spory and Kendrick's failure to timely Respond to Request for Admissions Under Fed civil P. Rule 36 also see: Local Rule 36(a)(3)

Under Rule 29, I gave defendants additional 30 days or until September 24, 2023 to Respond. However they exceeded the 30 additional days and still haven't yet responded as of date.

⑤ As evidence such Request for Admissions (copies) was mailed to this court which also was entered on Docket filed July 26, 2023 "Plaintiff's discovery Request" which included the request camera footages Production and Request for Admissions Directed Separately at each Defendant to Respond to.

⑥ The court even Docketed such copies of the discovery requests and Request for Admissions on July 26, 2023, which supports evidence that Defendants was on Notice of discovery request.

⑦ The court's docket and Plaintiff's Request for Admissions that was directly mailed via U.S.P.S to defendants on July 20, 2023.

⑧ I even sent Attorney General Jonathan M. Blake esq, Attorney for defendants Multiple Request Reminding them by letter to submit the Responses to me but such written letters was ignored and even at a video conference on October 6, 2023, I spoke to him and Doc Representative Chase De Felice Reminding them to send me the Request for Admissions Answers of Parkes, Spory, Merritts, and Kendrick's and such camera footages which they agreed to but still to date October 22, 2023 I haven't yet Received.

⑨ Defendant Merritts, Kendrick Parkes and Spory had ~~to~~ to initially submit their Responses by on or before August 25, 2023 but requested an extension which I granted them 30 additional days or until September 24, 2023 to submit their Responses but they

obviously still had not submitted or sent their responses to me.

- (10) Such "Request for Admissions" under Rule 36 shall be deemed Admitted by Defendant Merritts, Parkes, Kendrick, Spory's failure to timely Respond. The copies of the Admissions Request are also docketed on July 26, 2023 showing the court that Defendants had notice of the specific Request for Admissions and the contents to be responded to.
- (11) Even sent their attorney follow up letters requesting their responses but all "8" written letters was ignored by their attorney also orally brought up to attorney on October 6, 2023 video conference for other civil matter.
- (12) It should be ordered immediately that the specific numbered contents of the Request for Admissions directed to Kendrick, Parkes, Spory and Merritts as Defendants is deemed factually admitted on record due to their default by failure to timely respond even after given additional time to and a series of follow up reminder letters to them. See: Local Rule 36(a)(3)
- (13) It should also be ordered that Defendants are sanctioned (\$10,000) ten thousand dollars for their failure to respond and failure to ~~disclose~~ disclose Relevant Requested Camera Footages.
 question involved: Should Defendants be sanctioned (\$10,000) ten thousand dollars for their intentional repeated non-compliance?
 suggested answer: yes
- See: written request to Doc Sgt-Phoenix Superintendent's office, who stated that the AG will schedule conference for me to review videos, however I was never shown the videos yet as of 10/22/2023.
 exhibit #A
- question involved: Should Defendant Spory, Parkes, ~~and~~ Kendrick, Merritts be deemed to have admitted all Request for Admissions as they failed to respond?
 suggested answer: yes

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
Supt. office SCI-Phoenix			
1. To: (Name and Title of Officer) Superintendent Terra	2. Date: September 12, 2023		
3. By: (Print Inmate Name and Number) Lamont Zamicheli #LW-2870	4. Counselor's Name: Ms. Brown	Superintendent's Office SCI Phoenix SEP 13 2023	
Inmate Signature	5. Unit Manager's Name: Mr. Grady		
6. Work Assignment: NA	7. Housing Assignment: LD-1010-02	Received	
8. Subject: State your request completely but briefly. Give details.			
<p>Hello, Sir, how are you doing? Fine I hope! I'm respectfully writing you in regards of the below and would appreciate your approval and assistance.</p> <p>ON August 25, 2023, Attorney General office AG Jonathan M. Blinke, esq. has sent discovery material video camera footage recordings to the SCI-Phoenix Superintendent's office for me to review for a case that's pending actively in Middle District Court of PA (Case # 3:20-cv-00180) (Zamicheli v. Merritts, et al.). There's multiple camera footage on disks for me to review.</p> <p>I already wrote UM-Grady a request to. I am asking for your approval to permit UM-Grady to be the staff member who show me the video recordings/footage that was sent to your office for me. I request this accommodation to avoid certain staff members who may not be comfortable in my presence and so that I won't feel uncomfortable and knowing that certain staff requested to be separated away from me due to prior issues. No videos have been sent to the Supt's Office. AG's will schedule meetings via Zoom to review footage when approved staff to show me the video footage needed and when available. I agree & consent to UM-Grady being when/if he has the time to do so. Thank you very much!!! Have a wonderful blessed day/night!!!</p>			
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

STAFF MEMBER NAME G. Orlando G. Orlando for DATE 9/13/2023
Print Signature

SCI- Phoenix

Name

Lamont Zamichiel

Number

LW-9870

RECEIVED
SCRANTON

OCT 30 2023

DEPUTY CLERK

DJ

1200 Mokychic Drive

Collegeville, PA 19426

- Tegge mail -

Sent: 10/22/2023

neopost
10/26/2023
US POSTAGE \$000.63



ZIP 19426
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Middle District Court of PA

235 North Washington Ave

P.O. Box 1148

Scranton PA 18501-1148

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